IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

**ORDER**

S.B.CRIMINAL MISC. PETITION NO. 1576/2006

(M/s Arvind Synthetics Mills & Anr. V/s M/s Jeetmal Bansilal & Anr.)

Date of Order : 09/07/2007

**PRESENT**

**HON'BLE MR. JUSTICE H.R.PANWAR**

Mr. D.N.Yadav for the petitioners.
Mr. Ashok Upadhyay, P.P.

**BY THE COURT**:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioners have challenged the order dated 20.11.2006 passed by Chief Judicial Magistrate, Chittorgarh (for short 'the trial court' hereinafter) in Cr. Complaint Case No. 777/05 whereby the defence evidence has been closed since neither the accused petitioners nor any of their witnesses was present.

Heard learned counsel for the parties.

Learned counsel for the petitioners submits that an opportunity may be provided to the petitioners to appear as witness under Section 315 Cr.P.C. However, the petitioners failed to disclose name of any of the witnesses which they intend

to produce. In the circumstances, therefore, in my view, in the interest of justice, the order impugned deserves to be set aside and the petitioners deserve to be afforded an opportunity to make statement in defence under Section 315 Cr.P.C. before the trial court on the next date fixed by the trial court.

In this view of the matter, the order impugned dated 20.11.2006 passed by the trial court is set aside. The trial court is directed to record the statement of the petitioners in defence under Section 315 Cr.P.C., if the petitioners appear as defence witness on the next date fixed by it. However, no further opportunity will be granted to the petitioners if they fail to appear and make statement under Section 315 Cr.P.C. in defence on the next date.

With these directions, the criminal misc. petition stands disposed of.

**(H.R.PANWAR),J.**

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